

REMARKS

Reexamination and reconsideration of the claims 1-18, 20, 22-34, 36, and 38-47, 49 are respectfully requested. Claims 19, 21, 35, 37, 48 and 50 have been cancelled without prejudice. The Examiner's consideration of the Information Disclosure Statement is acknowledged with appreciation. Additionally, all of the sheets of the IDS dated September 22, 2003 and April 21, 2004 have been considered, the headers identifying the sheet number on these submissions had typos. Applicants thank the Examiner for his diligence in bringing this our attention.

Claims 1, 7-12, 14, 22, 25, 28, 31-32, 34, 38-39, 42-43, and 45 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 5,561,730 (the '730 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention.

The '730 patent does not disclose, teach, or suggest each and every feature of amended claims 1, 22, and 39. Moreover, the amendment of claims 1, 22, and 39 is not an admission that the art of record teaches, discloses, or otherwise suggests the features of the claims. For at least the reasons stated, the withdrawal of the sec. 102(b) rejection of claims 1, 7-12, 14, 22, 25, 28, 31-32, 34, 38-39, 42-43, and 45 is warranted and respectfully requested.

Claims 1-3, 7-9, 14-16, 22, 25-28, 34, 38-41, and 45 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 6,064,789 (the '789 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention. Because the '789 patent does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 1, 22, and 39, the withdrawal of the sec. 102(b) rejection of claims 1-3, 7-9, 14-16, 22, 25-28, 34, 38-41, and 45 is warranted and respectfully requested.

Claims 1, 4, 7, 19, 22-24, 28-29, 34-35, 38-39, 45, and 48

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were rejected under 35 U.S.C. sec. 102(e) applying U.S. Pat. Pub. No. 2004/0022510 (the '510 publication). For a publication to be applicable under sec. 102(e), the publication must, *inter alia*, disclose each and every feature of the claimed invention. Because the '510 publication does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 1, 22, and 39, the withdrawal of the sec. 102(b) rejection of claims 1, 4, 7, 22-24, 28-29, 34, 38-39, and 45 is warranted and respectfully requested.

Claims 1, 5, 7-9, 12-14, 16, 22, 25, 34, 38-39, and 46 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 5,857,051 (the '051 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention. Because the '051 patent does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 1, 22, and 39, the withdrawal of the sec. 102(b) rejection of claims 1, 5, 7-9, 12-14, 16, 22, 25, 34, 38-39, and 46 is warranted and respectfully requested.

Claims 1, 4, and 6-8 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 4,900,126 (the '126 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention. Because the '126 patent does not disclose, teach, or otherwise suggest each and every feature of the amended independent claim 1, the withdrawal of the sec. 102(b) rejection of claims 1, 4, and 6-8 is warranted and respectfully requested.

Claims 1, 7, 12, 14, 22, 30, 34, and 38-39 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 6,057,018 (the '018 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention. Because the '018 patent does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 1, 22, and 39, the withdrawal of

the sec. 102(b) rejection of claims 1, 7, 12, 14, 22, 30, 34, and 38-39 is warranted and respectfully requested.

Claims 1, 4, 6-9, 12, 14, 16-17, 22-25, 34, and 38-39 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 6,097,866 (the '866 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention. Because the '866 patent does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 1, 22, and 39, the withdrawal of the sec. 102(b) rejection of claims 1, 4, 6-9, 12, 14, 16-17, 22-25, 34, and 38-39 is warranted and respectfully requested.

Claims 22, 24, 28-29, 34, 38-39, and 44-47 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No. 6,370,303 (the '303 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention. Because the '303 patent does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 22 and 39, the withdrawal of the sec. 102(b) rejection of claims 22, 24, 28-29, 34, 38-39, and 44-47 is warranted and respectfully requested.

Claims 1, 7-9, 12, 14, 16, 18, 22, 25, 34, 38-39, and 44 were rejected under 35 U.S.C. sec. 102(b) applying WO 99/17144 A1 (the '144 publication), which has an English equivalent U.S. Pat. No. 6,496,628. For a publication to be applicable under sec. 102(b), the publication must, *inter alia*, disclose each and every feature of the claimed invention. Because the '144 publication does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 1, 22, and 39, the withdrawal of the sec. 102(b) rejection of claims 1, 7-9, 12, 14, 16, 18, 22, 25, 34, 38-39, and 44 is warranted and respectfully requested.

Claims 1, 7-9, 14, 16, 22, 25, 33-34, and 38-39 were rejected under 35 U.S.C. sec. 102(b) applying U.S. Pat. No.

5,561,731 (the '731 patent). For a patent to be applicable under sec. 102(b), the patent must, *inter alia*, disclose each and every feature of the claimed invention. Because the '731 patent does not disclose, teach, or otherwise suggest each and every feature of the amended independent claims 1, 22, and 39, the withdrawal of the sec. 102(b) rejection of claims 1, 7-9, 14, 16, 22, 25, 33-34, and 38-39 is warranted and respectfully requested.

Claims 20, 36, and 49 were rejected under 35 U.S.C. sec. 103(a) applying the '730 patent in view of U.S. Pat. No. 6,563,996 (the '996 patent). For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the teachings must be present.

The purported modification does not teach, disclose, or otherwise suggest each and every feature of amended independent claims 1, 22, and 39. Consequently, the withdrawal of the sec. 103(a) rejection of claims 20, 36, and 49 is warranted and respectfully requested.

Claims 21, 37, and 50 were rejected under 35 U.S.C. sec. 103(a) applying the '730 patent in view of U.S. Pat. No. 5,416,880 (the '880 patent). For patents to be applicable under sec. 103(a), the combination of teachings must, *inter alia*, expressly or inherently, teach, disclose, or otherwise suggest each and every feature of the claimed invention. Additionally, motivation and suggestion to combine the teachings must be present.

Formulation Nos. 7-11 from Table 4 of the '880 patent all require two of the three listed components (U/A5, U/A7, and U/A6) that result in relatively high-levels of total oligomer concentration in the formulations. By way of example, formulation 11 requires 10.4% of U/A5 plus 41.4% of U/A6 for a

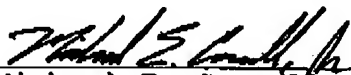
total oligomer concentration of 51.8%. Consequently, the amended independent claims 1, 22, and 39 are patentable over the purported modification. The withdrawal of the sec. 103(a) rejection of claims 21, 37, and 50 is warranted and respectfully requested.

No fees are believed due in connection with this Reply. If any fees are due in connection with this Reply, please charge any fees, or credit any overpayment, to Deposit Account Number 19-2167.

Allowance of all pending claims is believed to be warranted and is respectfully requested.

The Examiner is welcomed to telephone the undersigned to discuss the merits of this patent application.

Respectfully submitted,


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